ORDINANCE NO. 2026-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA; PROVIDING FOR THE CITY'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE CITY OF WESTLAKE MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER NECESSARY AND INCIDENTAL SERVICES; PROVIDING FOR INTENT, PURPOSE AND CONSENT; PROVIDING FOR EFFECTIVENESS AND DURATION OF CONSENT; PROVIDING FOR EFFECTIVENESS OF REPEAL; ACKNOWLEDGING AD VALOREM MILLAGE RATE LIMITATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CAPTIONS; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, pursuant to Section 125.01(1)(q) and (r), Florida Statutes, the Florida Legislature has empowered counties to establish Municipal Service Taxing Units ("MSTU"s), whereby a county may levy a tax within the MSTU for certain essential municipal services, including the provision of fire-rescue services; and

WHEREAS, pursuant to Section 125.01(1)(q), Florida Statutes, a municipality may be included within an MSTU, subject to approval by ordinance of the governing body of the municipality giving consent either annually or for a term of years; and

WHEREAS, Palm Beach County ("County") established an MSTU known as the Fire/Rescue MSTU to provide fire protection, fire rescue, advanced life support (or similar emergency services), fire code enforcement and other services necessary and incidental to the purpose for which the Fire/Rescue MSTU was created; and

WHEREAS, the City Charter authorizes the Fire/Rescue MSTU to continue within the boundaries of the City until the City adopts an ordinance to the contrary; and

WHEREAS, the City of Westlake ("City") adopted Ordinance 2016-04 to formalize its consent, in accordance with Section 125.01(1)(q), Florida Statutes, to be included in the Fire/Rescue MSTU for a ten (10) year term through December 31, 2026, as a mechanism to receive and fund County fire-rescue services through 7:30 a.m. on October 1, 2027; and

WHEREAS, the County by Ordinance No. 2016-050 amended the boundaries of the Fire/Rescue MSTU to include the City for the duration of the term identified in City Ordinance

No. 2016-04, as such term may be extended by the City from time to time; and

WHEREAS, the City Commission hereby desires to extend, for an additional ten (10) year period from December 31, 2026, through December 31, 2036, its consent to the inclusion of all the territory lying within the municipal boundaries of the City into the County's Fire/Rescue MSTU for County fire-rescue and related services within the City from October 1, 2027, until 7:30 a.m. on October 1, 2037, and believes that such inclusion is in the best interest of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESTLAKE, FLORIDA, THAT:

Section 1: Intent, Purpose and Consent: It is the intent, purpose and effect of this Ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes. The City Commission hereby extends and consents to the inclusion of all territory within the incorporated municipal boundaries of the City, as may be amended from time to time, within the County's Fire/Rescue Municipal Service Taxing Unit (the "Fire/Rescue MSTU"), which was established pursuant to enabling legislation adopted by the Board of County Commissioners of Palm Beach County. The purpose of the enactment of this Ordinance is to extend the City's consent to be included in the County's Fire/Rescue MSTU in order to enable the County to fund and provide fire-rescue and related services within the territorial limits of the City including, but not limited to, the County's enforcement of the Florida Fire Prevention Code and Palm Beach County Local Amendments thereto (collectively "Fire Code") and any other laws and regulations applicable within the Fire/Rescue MSTU.

Section 2: Effectiveness and Duration of Consent: The City's consent to be included in the Fire/Rescue MSTU is hereby extended effective from December 31, 2026, to be implemented for tax year 2027 in order to fund and provide County fire-rescue and related services within the City as of October 1, 2027, and to provide for the City's continuing inclusion in the Fire/Rescue MSTU without interruption. The City's consent to be included in the County's Fire/Rescue MSTU shall continue from December 31, 2026, for a term of ten (10) years through December 31, 2036; provided, however, that the City's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through 7:30 a.m. on October 1, 2037, to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year including, but not limited to, the County's enforcement of the Fire

Code and any other laws and regulations applicable within the Fire/Rescue MSTU.

Section 3: Effectiveness of Repeal: Should the City intend to repeal its consent to be included in the Fire/Rescue MSTU prior to its expiration on December 31, 2036, the City shall provide written notice to the County, by March 1st of any given year, of the City's intent to repeal this Ordinance and the consent provided herein effective December 31st of the same year. The County will then adopt an ordinance to remove the Town from the Fire/Rescue MSTU as of said December 31st. The City shall adopt an ordinance to repeal this Ordinance and the consent provided herein, and shall provide a certified copy of the repealing ordinance to the County and to the Property Appraiser, by said December 31st. The City's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31st; provided, however, that the City's inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through the following October 1st at 7:30 a.m. to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year, including, but not limited to, the County's enforcement of the Fire Code and any other laws and regulations applicable within the Fire/Rescue MSTU.

Section 4: Ad Valorem Millage Rate Limitation: The City acknowledges that by opting into the Fire/Rescue MSTU, it cannot levy an annual ad valorem millage rate that would exceed the ten (10) mill cap for municipal purposes when combined with the annual ad valorem millage rate of all municipal service taxing units.

Section 5: Repeal of Conflicting Ordinances: All other City ordinances and parts of ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of the conflict. Notwithstanding the above, Ordinance No. 2016-04 shall not be deemed repealed by this Ordinance and shall expire as provided for therein; provided, however, that Ordinance No. 2016-04 and the term of consent identified therein shall be deemed to be extended to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year thereunder.

Section 6: Severability: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 7: Codification: The provisions of this Ordinance shall become and be made a part of the code of ordinances of the City. The sections of this Ordinance may be renumbered

or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 8: Captions: The captions, section headings, and section designations used in this Ordinance are intended only for the convenience of users and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 9: Effective Date: This Ordinance shall be effective December 31, 2026. Notwithstanding anything here to the contrary, the City's continuing participation in the Fire/Rescue MSTU is contingent upon the County maintaining an ordinance including the City within the Fire/Rescue MSTU.

FIRST READING this ___ day of_____, 20__.

APPROVED AND ADOPTED ON SECOND READING by the City Commission of the City of Westlake, Florida, on this ___ day of _____, 20__.

CITY OF WESTLAKE

By: _____
JohnPaul O'Connor, Mayor

(SEAL)

ATTESTED:

_____
Zoie Burgess, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
,City Attorney